

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-cv-00668-MR

ALBERT LEROY GREEN, JR.,)
Petitioner,)
vs.) ORDER
BEN ANDERSON, Warden,)
Respondent.)

)

THIS MATTER comes before the Court on the *pro se* Motions for Certificate of Appealability filed by Albert Leroy Green, Jr. (the “Petitioner”) on January 19, 2024 [Doc. 10] and February 6, 2024 [Doc. 14].

The Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in this Court on October 18, 2023. [Doc. 1]. The Court entered an Order on January 10, 2024 dismissing the petition as procedurally barred for failure to exhaust his available state remedies. [Doc. 8]. In that Order, the Court also declined to grant the Petitioner a certificate of appealability pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases. [Id.].

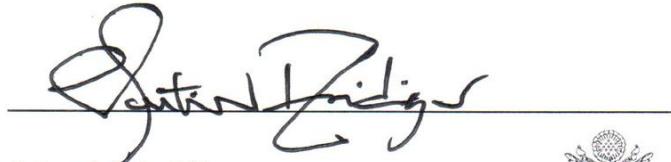
The Petitioner now moves this Court to issue a certificate of appealability. [Docs. 10, 14]. In doing so, the Petitioner reiterates the arguments set forth in his § 2254 petition. [Id.].

As the Court has previously advised the Petitioner, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); see Rule 11(a), Rules Governing Section 2254 Cases. A petitioner must show that reasonable jurists could debate whether the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). The Court has already set forth its reasoning for the dismissal of the Petition for Writ of Habeas Corpus and explained why it declined to issue a certificate of appealability. [Doc. 8]. The Petitioner sets forth no new arguments to convince the Court that it should reconsider its prior Order and now issue a certificate of appealability.

IT IS, THEREFORE, ORDERED that the Petitioner's Motions for a Certificate of Appealability [Docs. 10, 14] are **DENIED**.

IT IS SO ORDERED.

Signed: February 9, 2024



Martin Reidinger
Chief United States District Judge

